

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

0.209 ACRES OF LAND, MORE OR LESS, OUT OF AND A PART OF THE AUGUSTINE BOWLES SURVEY NO. 93, LOCALLY KNOWN AS 8301 HIGHWAY 71 WEST, FROM INTERIM "RR" RURAL RESIDENCE DISTRICT TO "LR" NEIGHBORHOOD COMMERCIAL; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. CHAPTER 13-2A of the Austin City Code of 1981 is hereby amended to change the base zoning district from Interim "RR" Rural Residence District to "LR" Neighborhood Commercial on the property described in File C14-85-288.100, to-wit:

0.209 acres of land, more or less, out of and a part of the Augustine Bowles Survey No. 93 in the County of Travis, Texas, being further described as being out of and a part of Lot 1, Block A of Valley View Acres revised, a subdivision in the County of Travis, Texas, of record in Plat Book 59 at Page 35 of the Plat Records of Travis County, Texas, being further described as being the same 0.209 acres of land recorded in Volume 6940 at Page 664 of the Deed Records of Travis County, Texas, said 0.209 acres of land, more or less, being more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein for all purposes,

locally known as 8301 Highway 71 West in the City of Austin, Travis County, Texas.

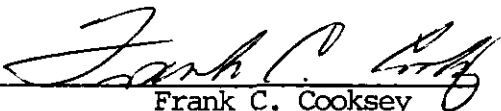
PART 2. It is hereby ordered that the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall become effective ten (10) days following the date of its passage.

PASSED AND APPROVED

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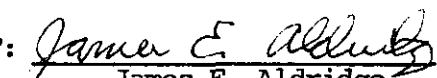
February 26, 1987


Frank C. Cooksey
Mayor

APPROVED:


Barney L. Knight
City Attorney

ATTEST:


James E. Aldridge
City Clerk

FIELD NOTES

FIELD NOTES FOR 0.209 ACRES OF LAND, MORE OR LESS, OUT OF AND A PART OF THE AUGUSTINE BOWLES SURVEY NO. 93 IN THE COUNTY OF TRAVIS, TEXAS, BEING FURTHER DESCRIBED AS BEING OUT OF AND A PART OF LOT 1, BLOCK A OF VALLEY VIEW ACRES REVISED, A SUBDIVISION IN THE COUNTY OF TRAVIS, TEXAS, OF RECORD IN PLAT BOOK 59 AT PAGE 35 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, BEING FURTHER DESCRIBED AS BEING THE SAME 0.209 ACRES OF LAND RECORDED IN VOLUME 6940 AT PAGE 664 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.209 ACRES OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an angle iron, found, from which point of beginning bears N 60°19' W a distance of 443.11 feet to the Northwest corner of Lot 1, Block A of Valley View Acres Revised, a subdivision in the County of Travis, Texas, of record in Plat Book 59 at Page 35 of the Plat Records of Travis County, Texas, also said point being located on the South R.O.W. line of State Highway No. 71;

THENCE S 60°19' E along the South R.O.W. line of State Highway No. 71 and the North line of the aforementioned Lot 1 for a distance of 6.21 feet to an iron pin, found, being a point of curve to the right on the West R.O.W. line of Silvermine Drive;

THENCE along said curve to the right whose chord bears S 29°40' E for a distance of 30.87 feet to an iron pin, found, said curve having a radius of 30.00 feet and an arc distance of 32.43 feet, also said line being along the East side of the aforementioned Lot 1,

THENCE S 02°06' W along the East side of the aforementioned Lot 1 and the West R.O.W. line of Silvermine Drive for a distance of 122.58 feet to a nail, found, being a point of curve to the right;

THENCE along a curve to the right continuing along the West R.O.W. line of Silvermine Drive and the East side of the aforementioned Lot 1, whose chord bears S 06°04' W for a distance of 20.64 feet to an iron pin, found, said curve having a radius of 149.21 feet and an arc distance of 20.66 feet, said point also being the Southeast corner of Subject Tract;

THENCE N 56°46'30" W into the aforementioned Lot 1 for a distance of 109.80 feet to an angle iron, found, for the Southwest corner of Subject Tract;

THENCE N 34°38' E continuing into and through the aforementioned Lot 1 for a distance of 133.20 feet to the PLACE OF BEGINNING containing 0.209 acres of land, more or less.

I, L. GORDON STEARNS, REGISTERED PUBLIC SURVEYOR, DO CERTIFY THAT THE COURSES, DISTANCES AND AREA SHOWN HEREIN WERE DETERMINED FROM A SURVEY DONE ON THE GROUND ON JUNE 2ND, 1982 AND ARE TRUE AND CORRECT. GIVEN UNDER MY HAND AND SEAL. (FIELD NOTES WRITTEN FOR THIS TRACT JANUARY 29TH, 1987.)

L. Gordon Stearns

L. GORDON STEARNS
REGISTERED PUBLIC SURVEYOR
NO. 2467
11303 TEDFORD STREET
AUSTIN, TEXAS 78753



EXHIBIT "A"

RESTRICTIVE COVENANT

THE STATE OF TEXAS §
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COUNTY OF TRAVIS § KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, BILL M. HAND and TRAVETTE HAND are the owners of the following described property ("Property") located in Travis County, Texas:

All that certain tract, piece or parcel of land, lying and being situated in the County of Travis, State of Texas, described in Exhibit "A", attached hereto and made a part hereof for all purposes, to which reference is here made for a more particular description of said property; and,

WHEREAS, the City of Austin, Texas, and the Owner of the Property have agreed that the Property should be impressed with certain covenants and restrictions running with the land, and desire to set forth such agreement in writing;

NOW, THEREFORE, in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration paid by the City of Austin in hand to the Owner, the receipt and sufficiency of which is acknowledged, the Owner does hereby impress upon the Property, the following covenants and conditions which shall be considered to be covenants running with the land, and which shall be binding on the Owner, his heirs, personal representatives, successors and assigns, as follows:

1. Should any redevelopment of the Property occur, the maximum impervious coverage shall not exceed sixty five percent (65%), the maximum floor to area ratio shall not exceed .20 to 1 *Amnt.* and the development shall be subject to the site development regulations of the changed use.

2. Development of the Property shall be in compliance with all provisions of the Austin City Code pertaining to site development and subdivisions in the Williamson Creek Watershed as defined in Sections 9-10-171 through 9-10-230 and Section 13-3-401 through 13-3-417 of Chapter 13-2A of the Austin City Code of 1981, as amended.

3. If any person or entity shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law or in equity, against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

4. If any part of this agreement or covenant shall be declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.

5. If at any time the City of Austin, its successors or assigns, fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

6. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the

City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (b) the owners of the Property at the time of such modification, amendment, or termination.

EXECUTED, this the 21st day of January, 1987.

Bill M. Hand
BILL M. HAND

Travette S. Hand
TRAVETTE S. HAND

THE STATE OF TEXAS

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COUNTY OF TRAVIS

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This instrument was acknowledged before me on the 21st day of January, 1987, by BILL M. HAND.

Rita Smith
Notary Public, State of Texas

RITA SMITH
Printed Name of Notary Public
My Commission Expires: 9/1/89

THE STATE OF TEXAS

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COUNTY OF TRAVIS

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This instrument was acknowledged before me on the 21st day of January, 1987, by TRAVETTE S. HAND.

Shirley Wallace
Notary Public, State of Texas

Shirley Wallace
Printed Name of Notary Public
My Commission Expires: 3-13-89

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AUSTIN, TEXAS 78753



EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

James R. Frizzell

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

March 6th, 1987

and that the attached is a true copy of said advertisement.

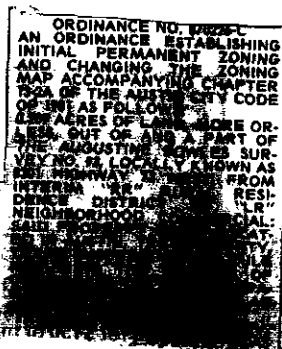
SWORN AND SUBSCRIBED TO BEFORE ME, this the

9th

Day of March A.D. 1987.

Denise STegall

(Type or Print Name of



Notary Public in and for
TRAVIS COUNTY, TEXAS

3/3/90

(My Commission Expires:)